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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,769	03/25/2004	Ron Smith	3428	9086

27727 7590 09/16/2004

PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

EXAMINER

STERLING, AMY JO

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/810,769	SMITH, RON	
	Examiner	Art Unit	
	Amy J. Sterling	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for application number 10/810,769 Foldable Book Holder, filed on 3/25/04. Claims 1-20 are pending.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 and 16 cite the term, "non-hinged" and it is unclear how the panel can be non-hinged when the shelf and the support members are pivotally attached to the

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panel, making the panel hinged by definition, which is defined by Webster's Dictionary as a "flexible joint".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5277388 to Denaro.

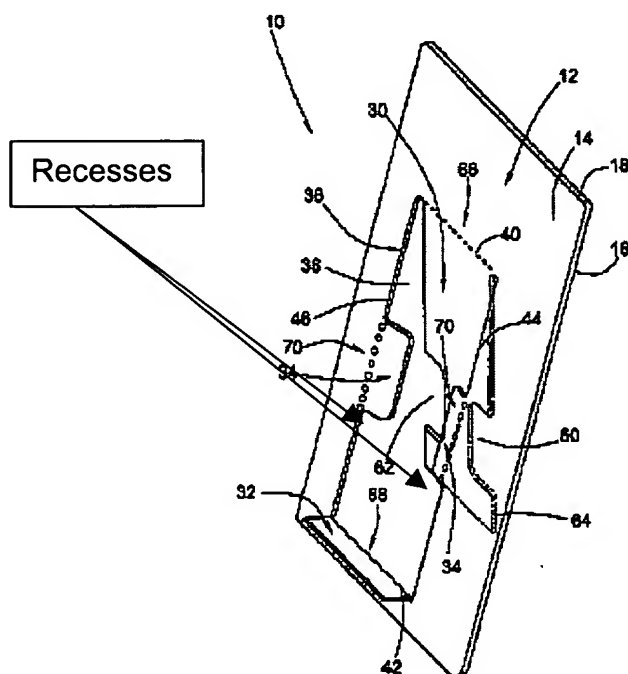
The patent to Denaro discloses a foldable reading stand (11) having a single, rigid plate panel (21) having a front surface, a rear surface and a right and left side edges, a shelf (31) connected to the panel and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (14) pivotally connected at an angle between 5 and 25 degrees, by a hinge (15) connected to a rear surface of the panel near the right and left side edges and are vertical when in the operational configuration and a securement system (35, 36, 48, 28, 29).

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6672549 to Kolb.

Kolb discloses a foldable reading stand (10) having a panel (12) having a front surface, a rear surface and a right and left side edges, a shelf (32) connected to the

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panel (12) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (64) pivotally connected to the rear of the panel (12) near the right and left side edges and are vertical when in the operational configuration, wherein the panel has recesses (See Drawing Below) to receive the support members



Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4610416 to Choi

Choi discloses a foldable reading stand (10) having a panel (11) having a front surface, a rear surface and a right and left side edges, a shelf (26) connected to the

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panel (11) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (21) pivotally connected to the rear of the panel (11) near the right and left side edges and are vertical when in the operational configuration and a reading light (See Col. 1, lines 32-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 11-14, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5277388 to Denaro as applied to claim 1 above.

Denaro shows applicant's basic inventive concept, some of the elements which are shown above and including a foldable reading stand (11) having a single, rigid plate panel (21) having a front surface, a rear surface and a right and left side edges, a shelf (31) connected to the panel and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (14) pivotally connected at an angle between 5 and 25 degrees, by a hinge (15) connected to a rear surface of the panel near the right and left side edges and are vertical when in the operational configuration.

Denaro also shows a plurality of grooves (28, 29) or notches (28, 29) on the support members and a tab (48, 36) or a protrusion (48, 36) on the shelf which frictionally are received in a single one of support grooves and including a protruding snap (35) on the shelf to be frictionally engaged with a groove to aid in securing the device together all which can be pivoted parallel to each other.

Denaro does not show wherein the grooves are on the shelf and the tab and protruding snap are on the support members. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to reverse the tab, protruding snap and grooves, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. In re Einstein, 8 USPQ 167.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5277388 to Denaro as applied to claim 11 above and further in view of United States Patent No. 6672549 to Kolb.

Denaro shows the basic inventive concept as shown above with the exception that it does not show wherein the panel has support members to receive the support members.

Kolb discloses a foldable reading stand (10) having a panel (12) having a front surface, a rear surface and a right and left side edges, a shelf (32) connected to the panel (12) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (64) pivotally connected to the rear of the panel (12) near the right and left side edges and are vertical when in the operational

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configuration, wherein the panel has recesses (See Drawing Above) to receive the support members. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Kolb to have modified the panel to have recesses in order to receive the support members while in a closed position.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5277388 to Denaro as applied to claim 1 above as applied to claim 11 above and further in view of United States Patent No. 4610416 to Choi

Denaro shows the basic inventive concept as shown above with the exception that it does not show wherein the device has a reading light.

Choi discloses a foldable reading stand (10) having a panel (11) having a front surface, a rear surface and a right and left side edges, a shelf (26) connected to the panel (11) and pivotal to a closed position parallel to the panel and to an operational position at an angle, and two support members (21) pivotally connected to the rear of the panel (11) near the right and left side edges and are vertical when in the operational configuration and a reading light (See Col. 1, lines 32-35).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various foldable book holders

6581895 to Pleasant

6508023 to Moss et al.

6382581 to Duff

5542551 to Smith

5234190 to Cross

3139255 to Palm

2005816 to Weiss

1594848 to Partens

631520 to Dalsheimer

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS
Amy J. Sterling
9/9/04



ANITA KING
PRIMARY EXAMINER